



# भारत का राजपत्र The Gazette of India

असाधारण

EXTRAORDINARY

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PART II — Section 2

प्राधिकार से प्रकाशित

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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।  
Separate paging is given to this Part in order that it may be filed as a separate compilation.

## LOK SABHA

The following Bills were introduced in Lok Sabha on 25th April, 2008:—

BILL No. 77 OF 2007

*A Bill further to amend the Constitution of India.*

BE it enacted by Parliament in the Fifty-eighth Year of the Republic of India as follows:—

1. This Act may be called the Constitution (Amendment) Act, 2007.

Short title.

2. After article 21A of the Constitution, the following article shall be inserted,—

Insertion of  
new article  
21B.

“21B. (1) Every citizen shall have the right to shelter in such manner as Parliament may, by law, determine.

Right to shelter.

(2) Nothing in clause (1) shall prevent the State from making any provision for fixing criteria for allotment of houses to the citizens.

(3) Nothing in this article shall prevent the State from making any special housing schemes for senior citizens, physically challenged persons, persons belonging to scheduled castes, scheduled tribes, other backward classes, divorced women and other weaker sections of the society.

*Explanation.*— For the purpose of this article, “shelter” means a dwelling unit with all basic civic amenities.”

## STATEMENT OF OBJECTS AND REASONS

Even after six decades of independence, crores of citizens are still homeless. They have to suffer the elements in all its fury—be it winter, summer or rainy season. The problem of homelessness is increasing day-by-day both in rural and urban areas. Population explosion and other social and economic reasons are the major reasons for housing shortage in the country. Due to acute shortage of houses in the country, lakhs of poor people are forced to live on the pavements, footpaths, shed of the bus stands, under flyovers and bridges, as they cannot afford houses of their own. Crores of people are living in Jhuggi and Jhonpris, kutcha and semi-pucca houses which lack basic facilities like sanitation, electricity, clean water etc. Shelter is one of the basic human needs. It is necessary that the Government should come forward to ensure adequate housing for homeless citizens not only because it is their right, but, because it is an investment that would guarantee a healthy and satisfied citizens.

The Supreme Court has recognized the right to housing by bringing it within the ambit of right to life. At the same time, housing right has been recognized and reaffirmed in all international and regional covenants, which have been ratified by our country. Hence, the Central and the State Governments are under legal obligation to provide adequate housing to the millions of people who are living in absolute homelessness. Therefore, it has become more necessary to incorporate right to housing as a fundamental right in the constitution.

The Bill is to seek the above objective.

NEW DELHI;  
July 30, 2007.

L. RAJAGOPAL

## FINANCIAL MEMORANDUM

Clause 2 of the Bill provides for incorporation of right to shelter in the Fundamental Rights of the citizens. The Bill, if enacted, would involve expenditure from the Consolidated Fund of India. At this stage, it is not possible to give an exact amount of expenditure to be involved. However, it is estimated that an annual recurring expenditure of about rupees ten thousand crore is likely to be involved.

A non-recurring expenditure of about rupees two thousand crore is also likely to be involved.

## BILL NO. 10 OF 2008

*A Bill to provide for disentitlement of daily allowance to members for the day on which the proceedings of a House of Parliament of which they are members are adjourned due to disruption caused by a member or a group of members and termination of membership of a member or a group of members who disrupts the proceedings of the House and for matters connected therewith.*

BE it enacted by Parliament in the Fifty-ninth Year of the Republic of India as follows:—

1. This Act may be called the Disruption of Proceedings of Parliament (Disentitlement of Daily Allowance to Members and Termination of Membership) Act, 2008. Short title.

2. (1) In this Act, unless the context otherwise requires:—

Definitions.

(i) "House" means the Council of States or the House of the People, as the case may be; and

(ii) "Presiding Officer" means the Chairman of the Council of States or the Speaker of the House of the People, as the case may be.

30 of 1954.

(2) Words and expressions used but not defined in this Act and defined in the Salary, Allowances and Pension of Members of Parliament Act, 1954 shall have the same meaning as assigned to them in that Act.

Entitlement  
of daily  
allowance.

3. (1) Notwithstanding anything contained in the Salary, Allowances and Pension of Members of Parliament Act, 1954, no member shall be entitled to receive daily allowance for a day if proceedings of the House are disrupted by any member or a group of members, as the case may be, leading to its adjournment for a substantial part on that day. 30 of 1954.

(2) Where a House is adjourned for substantial part of the day under sub-section (1), the Presiding Officer shall, on the last day of the week following that day, inform the House of the date on which the House was so adjourned.

Identification  
and termina-  
tion of  
membership.

4. (1) The Presiding Officer of a House may, if he deems it necessary, identify a member or a group of members, who, individually or collectively, disregards the authority of the Chair, or abuse the rules of the House by persistently and wilfully obstructing the proceedings of the House on second occasion in the same session and issue a warning to such member or a group of members.

(2) If a member or a group of members so identified under sub-section (1), obstruct the proceedings of the House on third occasion during the same session, the House may resolve to terminate the membership of such member or a group of members, as the case may be, on a motion being moved in this behalf.

(3) The membership of a member or a group of members referred to in the motion shall stand terminated from the day of adoption of the motion by the House.

## STATEMENT OF OBJECTS AND REASONS

India is the largest democracy in the world and Members of Parliament, being part of this system, have to play a pivotal role in enhancing the prestige of this institution by participating in the proceedings in a disciplined and dignified manner. However, of late, it is being observed that the proceedings of both the Houses of Parliament are disrupted due to pandemonium and the Houses have to be adjourned for substantial part of the day without transacting any business. This not only results in loss of precious time of Parliament and public money but also dents the image of Parliament. Parliamentary democracy is based on the principle that the Executive is accountable to the legislature and that one of the foremost duties of Members of Parliament is to exercise vigilant control over the actions of the Executive through various Parliamentary devices. If the proceedings of either House are disrupted and Parliament is not permitted to function and transact the listed business on account of pandemonium, the legislative scrutiny over the Executive is diluted since debates on issues of public importance are withheld.

In view of this and in order to provide disincentive for disruptions in the Parliament, it is proposed that no member shall be entitled to receive daily allowance for a day if proceedings of the House are disrupted by a member or a group of members leading to its adjournment for a substantial part of the day. Whenever a House is adjourned for substantial part of the day due to pandemonium created by members, the Presiding Officer shall inform the House of the date on which the House was so adjourned. It is also proposed that if any member or a group of members is identified, disrupting the proceedings of the House, on three occasions in the same session, by the Presiding Officer, the membership of such member or a group of members shall be terminated on a motion moved and adopted to that effect in the House.

The Bill seeks to achieve the above objectives.

NEW DELHI;  
July 30, 2007.

L. RAJAGOPAL

**BILL NO. 85 OF 2007**

*A Bill to make provisions for the welfare of insurance agents and for matters connected therewith or incidental thereto.*

BE it enacted by Parliament in the Fifty-eighth Year of the Republic of India as follows:—

1. (1) This Act may be called the Insurance Agents Welfare Act, 2007.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Short title,  
extent and  
commence-  
ment.

2. In this Act, unless the context otherwise requires,—

Definitions.

(i) "fund" means the Insurance Agents Welfare Fund constituted under section 3 of this Act;

4 of 1938.

(ii) the expression "insurance agent" shall have the same meaning as is assigned to it in the Insurance Act, 1938; and

(iii) "prescribed" means prescribed by rules made under this Act.

3. (1) The Central Government shall set up a fund to be known as the Insurance Agents Welfare Fund.

Insurance  
Agents  
Welfare Fund.

(2) The Fund shall consist of contributions from Central Government, the insurance companies and the insurance agents in such ratio as may be prescribed.

(3) The Fund shall be administered by a Board, consisting of—

(a) the union finance minister, who shall be its *ex-officio* Chairperson;

(b) two members who shall be representatives of the Insurance Regulatory and Development Authority; and

(c) two members representing the insurance agents who shall be nominated by the Central Government in such manner as may be prescribed.

(4) The salary and allowances payable to, and other terms and conditions of service of members of the Board shall be such as may be prescribed.

4. The fund shall be utilized for the following purposes:—

Utilisation of  
the Fund.

(i) payment of compensation to next of kin of insurance agents in case of death in harness;

(ii) payment of old age pension after an insurance agent has attained the age of sixty-five years;

(iii) payment of family pension to the dependents of the deceased insurance agents;

(iv) payment of premium for the medical insurance of the insurance agent and his family; and

(v) such other purposes as the Board may deem necessary for the welfare of insurance agents.

5. The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

Power to  
make rules.

### STATEMENT OF OBJECTS AND REASONS

The insurance agents play a major role in procuring business and in the growth of the Insurance Sector. More than a million people are engaged as insurance agents in the public sector life insurance corporation alone. Majority of them have opted this profession as full time job. The work requires a lot of time, energy and dedication. The competition amongst insurance companies for business has tremendously increased after the opening up of this sector to private players both at national and international levels.

It is estimated that seventy-five percent. of the insurance agents earn less than rupees sixty thousand per annum which is not sufficient to meet even minimum requirements of a family. Their contribution to insurance sector is immense in creating assets and increasing profit of the companies, at the same time providing benefits of insurance to the general public. In the absence of any welfare scheme by the Government or social security, these insurance agents live in pathetic conditions. A portion of profit earned by the insurance companies through hard work of such agents needs to be devoted for the welfare of insurance agents and their families. It is the responsibility of the Government in a welfare state to provide proper medical care, old age pension, family pension, etc. to every citizen of the country. Therefore, a suitable legislation is urgently required to provide for general welfare of persons working as agents in the insurance sector.

Hence this Bill.

NEW DELHI;  
November 6, 2007.

BASUDEB ACHARIA

### FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for setting up of a Insurance Agents Welfare Fund and for constitution of a Board to administer the fund. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is likely to involve a recurring expenditure of about rupees fifty crore per annum.

A non-recurring expenditure of about rupees one hundred crore is also likely to be involved.

### MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 5 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. Since the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.



**BILL NO. 86 OF 2007**

*A Bill further to amend the Constitution of India.*

BE it enacted by Parliament in the Fifty-eighth Year of the Republic of India as follows:—

1. This Act may be called the Constitution (Amendment) Act, 2007.

Short title.

2. In article 73 of the Constitution, in clause (1), after the proviso, the following proviso shall be inserted, namely:—

Amendment of  
article 73.

"Provided further that the executive power of the Union referred to in sub-clause (b) shall not be exercised before such treaty or agreement has been approved by Parliament."

## STATEMENT OF OBJECTS AND REASONS

India is the largest democracy in the world. Our Constitution describes India as a sovereign, socialist, secular, democratic republic. Through the vast experience of the freedom struggle, an independent foreign policy was evolved by our leaders, which was acceptable to all sections of the people. India's foreign policy has enhanced the prestige of the country and its people. But the emergence of a unipolar world has influenced the social order and democratic set up world over.

In the present international scenario, it is possible that undue pressure from powerful nations, may adversely affect the capacity of the Government to adopt and follow an independent and fair foreign policy while entering into a treaty or agreement. This may result in compromising with the sovereignty and integrity of the country. Therefore, it is necessary to put a check on the unfettered executive powers of the Union Government with regard to entering into international treaties and agreements. The people, through their representatives alone, can meet this challenge effectively. The Bill seeks to amend the Constitution with a view to provide that before the Union Government exercises its powers under any treaty or agreement, such treaty or agreement should be approved by Parliament.

NEW DELHI;  
November 6, 2007.

SURESH KURUP

**BILL NO. 4 OF 2008**

*A Bill to provide for the welfare of sculptors, artists and artisans in rural areas and for matters connected therewith.*

BE it enacted by Parliament in the Fifty-ninth Year of the Republic of India as follows:—

1. (1) This Act may be called the Sculptors, Artists and Artisans of Rural Areas Welfare Act, 2008.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Short title,  
extent and  
commence-  
ment.

## Definitions.

2. In this Act, unless the context otherwise requires,—

(a) “artisan” means any person engaged in making useful, decorative or artistic items manually from leaves or weeds or bamboo or any other material by traditional means in rural areas for earning his livelihood;

(b) “artist” means any person who earns his livelihood by performing arts including music, dance, drama, play, singing to entertain public or displaying of his paintings or artistic skill to public in rural areas;

(c) “Board” means the National Sculptors, Artists and Artisans of Rural Areas Welfare Board set up under section 4;

(d) “Fund” means the National Sculptors, Artists and Artisans of Rural Areas Welfare Fund set up under section 3;

(e) “prescribed” means prescribed by rules made under this Act; and

(f) “sculptor” means any person engaged in carving of statues or making of decorative pieces or any other useful items from clay, cement, stone or any other material in rural areas for earning his livelihood.

## Setting up of the Sculptors, Artists &amp; Artisans Welfare Fund.

3. (1) The Central Government shall set up a fund to be known as the National Sculptors, Artists and Artisans Welfare Fund.

(2) The Central Government and State Government shall contribute to the Fund in such proportion, as may be prescribed.

## Setting up of National Sculptors, Artists and Artisans of Rural Areas Welfare Board.

4. (1) The Central Government shall set up a Board to be known as the National Sculptors, Artists and Artisans of Rural Areas Welfare Board.

## Constitution of the Board.

(2) The Board shall consist of following members, namely:—

(a) the union textile minister who shall be its Chairman, *ex-officio*;

(b) five members representing the Non-Governmental Organisations working for the welfare of Sculptors, Artists and Artisans in rural areas, to be appointed by the Central Government; and

(c) five members representing the Sculptors, Artists and Artisans in rural areas, to be appointed by the Central Government.

(3) The salary and allowances payable to, and other terms and conditions of service of, members of the Board shall be such as may be prescribed by the Central Government.

## Functions of the Board.

5. The Board shall administer the fund for the welfare of Sculptors, Artists and Artisans of rural areas and including the following purposes, namely:—

(a) payment of compensation to the next of kin of the Sculptors, Artists and Artisans in the event of death during work;

(b) payment of premium for life insurance;

(c) payment of old age pension;

(d) payment of disability allowance;

(e) provision of free health care facility to Sculptors, Artists and Artisans and their family members;

(f) housing facility at subsidized rate; and

(g) financial assistance for Sculptors, Artists and Artisans, production and marketing of their products and organization and advertisement of events.

6. The Board shall submit every year a report, in such form as may be prescribed, of its development activity to the Central Government.

Annual  
Report.

7. The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

Power to  
make rules

## STATEMENT OF OBJECTS AND REASONS

The Sculptors, Artists and Artisans working in the rural areas are living in a miserable condition. The benefits of development have not reached them. In the age of globalisation and information technology, it has become very difficult for these people to earn their livelihood. Several generations of these Sculptors, Artists and Artisans have spent their whole life to keep alive these traditional arts and for providing other useful articles and entertainment to the community. Despite public recognition, these people are not able to meet the both ends due to meagre income.

In rural areas, the traditional folk arts are popular means of entertainment. But with the invasion of television, it is increasingly becoming difficult for them to earn their livelihood. Even today, these people are engaged in preserving our traditional art. Government should come forward to provide assistance to these folk artists so that they can lead a dignified life.

In view of the miserable condition of these artists, it is the duty of the Government to provide social security and other financial assistance to them by formulating and implementing appropriate policies for their welfare.

The Bill seeks to achieve the above objectives.

NEW DELHI;

## FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for setting up of a fund to be known as the National Fund for the Welfare of Sculptors, Artists and Artisans in the rural areas. Clause 4 of the Bill provides for setting up of a Board to administer the National Fund for the Welfare of Sculptors, Artists and Artisans in the Rural Areas. Therefore, the Bill, if enacted, would involve expenditure from the Consolidated Fund of India. It is likely to involve an annual recurring expenditure of rupees five hundred crore.

A non-incurring expenditure of about rupees five hundred crore is also likely to be involved.

## MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 7 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill.

As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

## BILL NO. 5 OF 2008

*A Bill to provide for the constitution of a Commission for the formation of a separate State of Vidarbha by reorganization of the existing State of Maharashtra and for matters connected therewith.*

BE it enacted by Parliament in the Fifty-ninth Year of the Republic of India as follows:—

1. (1) This Act may be called the Commission for the Formation of State of Vidarbha Act, 2008.

Short title and  
commencement.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. In this Act, unless the context otherwise requires,—

Definitions.

(a) “prescribed” means prescribed by rules made under this Act; and

(b) “Vidarbha” means and includes the districts of Chandrapur, Gadchiroli, Wardha, Nagpur, Bhandara, Gondia, Washim, Akola, Buldhana, Yavatmal and Amravati in the State of Maharashtra.

Commission  
for the forma-  
tion of a  
separate State  
of Vidarbha.  
Composition of  
the Commission.

**3. The Central Government shall, by notification in the Official Gazette, constitute a Commission to study and report for the formation of a separate State of Vidarbha by reorganization of the existing State of Maharashtra.**

**4. (1) The Commission shall consist of:—**

(i) a retired judge of the Supreme Court who shall be the Chairperson; and

(ii) four members having at least ten years experience in the field of social service in the Vidarbha region or having special knowledge in the field of regional development, who shall be appointed in such manner as may be prescribed.

(2) The salary and allowances payable to, and other terms and conditions of service of the Chairman and Members of the Commission, shall be such as may be prescribed by the Central Government.

(3) The Commission shall have its office at Nagpur in the State of Maharashtra.

(4) The Central Government shall provide such number of officers and staff to the Authority as are required for its efficient functioning.

Term of the  
Commission.

5. (1) The Commission shall complete its work within a period of one year from the day of its first sitting.

(2) After the completion of its work, the Commission shall submit a report to the Central Government.

Functions  
of the  
Commission.

6. (1) The Commission shall perform such functions with regard to formation of a separate state of Vidarbha as may be assigned to it by the Central Government.

(2) Without prejudice to the generality of the foregoing provision, the Commission shall also consider the following:—

(i) allocation of assets to the proposed State of Vidarbha;

(ii) allocation of government employees and officers to the proposed State of Vidarbha;

(iii) delimitation of constituencies for elections to Lok Sabha and State Legislative Assemblies; and

(iv) allocation of water and natural resources to the proposed State of Vidarbha.

Central  
Government to  
provide  
adequate funds.

7. The Central Government shall, after due appropriation made by Parliament by law in this behalf, pay to the Commission by way of grants such sums of money as the Central Government may think fit for being utilized for the purposes of this Act.

Power of the  
Commission to  
call upon or  
secure  
assistance.

8. The Commission shall have the power to call upon and secure the assistance of any office or agency under the administrative control of the existing State of Maharashtra for carrying out the functions assigned to it under this Act.

Power to make  
rules.

9. The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of the Act.



## STATEMENT OF OBJECTS AND REASONS

The demand for a separate State of Vidarbha is getting strong due to continuous negligence of this region. The proposal for the State of Vidarbha was approved in 1918 by All India Congress Committee and reiterated again in 1928 at its National session. The proposal for a separate State of Vidarbha for Marathi speaking people was also approved in the Madhya Pradesh Legislative Assembly in 1938. On 8 August, 1947 the then Marathi leaders agreed that two independent States for Marathi speaking people be formed under the Akola Pact. It was again reiterated under the Nagpur Pact on 28 September, 1953 in reference to reorganization of States. Under this Pact, funds and a session for legal division at Nagpur in proportion of the population for the development of Vidarbha was decided to be called.

The Fazal Ali Commission constituted in 1953 by the Central Government recommended for the creation of a separate State of Vidarbha in its State Reorganization Report (1955). The Commission have made it clear in its Report that the separate State of Vidarbha will be practically and financially viable. However, due to political considerations, the recommendation of the Fazal Ali Commission was not accepted, and in an effort to give a constitutional cover to the Nagpur Pact, the Constitution was amended in 1956 and Section 371(2) was inserted in the Constitution. As per this constitutional amendment, equitable allocation of funds for development, arrangement of adequate facilities for technical education and vocational training, and providing adequate employment opportunities in services under the State Government, were made the responsibilities of the Governor in the State of Maharashtra and Gujarat. In 1960, the State of Maharashtra was created but the promises and assurances given at the time of inclusion of Vidarbha region in Maharashtra were not fulfilled. Due to continuous exploitation of Vidarbha by Maharashtra, there has been least development in the region. Dr. Dandekar Committee, constituted in 1982, confirmed the losses to Vidarbha, and despite its recommendation to fulfil the aspirations for development of people of Vidarbha and allocate backlog fund, injustice is continued to be done to Vidarbha. Due to the diversion of funds allocated for the development of Vidarbha elsewhere and keeping the people of Vidarbha underdeveloped, the people of Vidarbha got annoyed with Maharashtra.

The people of Vidarbha are of the opinion that the creation of a separate State of Vidarbha is the only solution to ensure development and prosperity of the region. Thus, honouring the highest desire of the people of Vidarbha, the Central Government needs to take necessary steps to bifurcate Maharashtra and form a separate State of Vidarbha. This Bill provides for constituting a Commission for formation of a separate State of Vidarbha.

Hence this Bill.

NEW DELHI;  
November 14, 2007.

HANSRAJ GANGARAMJI AHIR

### FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for the constitution of a Commission for the formation of a separate State of Vidarbha. Clause 4 of the Bill provides for the salary and allowances of the Chairman and Members of the Commission. Clause 7 provides for grant of adequate funds to the Commission by the Central Government. The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India. It is estimated that a recurring expenditure of rupees twenty crore would be involved.

A non-recurring expenditure of about rupees five crore is also likely to be involved.

### MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 9 of the Bill empowers the Central Government to make rules for carrying out the provisions of the Bill.

As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

**BILL NO. 13 OF 2008**

*A Bill to provide for regularisation of the services and conferring the status of permanent employees of Government on Anganwadi Workers and for matters connected therewith.*

**BE** it enacted by Parliament in the Fifty-ninth Year of the Republic of India as follows:—

**1. (1)** This Act may be called the Anganwadi Workers (Regularisation of Service and Other Benefits) Act, 2008.

Short title,  
extent and  
commencement.

**(2)** It extends to the Union territories only.

**(3)** It shall come into force on such date as the Central Government may, by notification in the official Gazette, appoint.

## Definitions.

2. In this Act, unless the context otherwise requires,—

(a) “anganwadi” means an anganwadi centre set up under integrated child development services scheme of the Central Government;

(b) “anganwadi worker” means any person working in an anganwadi and includes anganwadi helper; and

(c) “prescribed” means prescribed by rules made under this Act.

## Regularisation of services of anganwadi workers.

3. (1) The Central Government shall, by notification in the Official Gazette, take steps to regularise the services of anganwadi workers and confer the status of Group “D” employee of the Government on such anganwadi workers who are serving in anganwadi centres immediately before the commencement of this Act.

(2) Every anganwadi worker whose service has been regularised shall be entitled to such tenure, terms and conditions of service including remuneration, leave, provident fund, retirement and other terminal benefits which are available to Group “D” employees under the Central Government.

## Accommodation to anganwadi workers.

4. The Central Government shall take steps to provide accommodation to all anganwadi workers within the vicinity of their workplace.

## Power of Central Government to remove difficulties.

5. If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published in the Official Gazette, make such provisions not inconsistent with the provisions of this Act as may appear to be necessary for removing the difficulty.

## Savings.

6. The provisions of this Act shall be in addition to, and not in derogation of the provisions of any other law for the time being in force.

## Power to make rules.

7. (1) The Central Government may make rules for carrying out the purposes of this Act.

(2) Every rule made under this section shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

## STATEMENT OF OBJECTS AND REASONS

Anganwadi centres were started in the country by Central Government for implementation of the Integrated Child Development Services Scheme which includes women literacy, health awareness and child welfare scheme. These anganwadi centres are contributing a lot to the development of society in rural and remote areas for the last many years. Anganwadi workers are properly performing the work of dissemination, publicity and implementation of various schemes of the Government in rural areas. However, these anganwadi workers do not have any job security and are paid paltry sum as honorarium for their work. This may adversely affect the working of these anganwadi workers. In view of the importance of service provided in these anganwadi centres, the strength of anganwadi workers has increased from 8 lakh to 14 lakh in the whole of the country.

It is improper to pay very low remunerations to anganwadi workers who are working as an important chain between the Government and people at village level for effective implementation of women and children related welfare schemes. Therefore, the service of these workers should be recognized and they should be given the status of 'Group D' employees of the Government. The Bill seeks to provide for regularisation of the services and conferring the status of 'Group D' employee of the Government on these anganwadi workers.

NEW DELHI;

HANSRAJ GANGARAMJI AHIR

November 14, 2007.

## FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for regularisation of services of anganwadi workers and other benefits to them analogous to the Group "D" employees of the Central Government. Clause 4 provides for provision of accommodation to the anganwadi workers within the vicinity of their workplace. The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India. A recurring expenditure of about rupees five thousand crore is likely to be incurred.

A non-recurring expenditure of about rupees five hundred crore is also likely to be involved.

## MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 7 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, thus delegation of legislative powers is of a normal character.

## BILL NO. 6 OF 2008

*A Bill to provide for the remunerative price for the produce of the cotton growers, insurance of cotton crop free of cost and for their overall welfare and for matters connected therewith.*

BE it enacted by Parliament in the Fifty-ninth Year of the Republic of India as follows:—

Short title,  
extent and  
Commence-  
ment.

1. (1) This Act may be called the Cotton Growers (Remunerative Price and Welfare) Act, 2008.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) "cotton grower" means any person who cultivates cotton; and

(b) "prescribed" means prescribed by rules made under this Act.

3. (1) It shall be the duty of the Central Government to procure the entire cotton crop produced in the country through an agency to be set up for the purpose.

Procurement of Cotton and fixation of its Remunerative price.

(2) The Central Government shall fix the price of cotton every year after taking into consideration,—

- (i) the increase in the price of seeds, pesticides and fertilizers and other inputs,
- (ii) total investment of the cotton growers; and
- (iii) such other factors as may be prescribed.

4. The Central Government shall take all necessary steps to export the surplus cotton produced during a year in the country.

Export of surplus Cotton.

5. The entire cotton produced by the cotton growers shall be compulsorily insured free of cost by the Central Government against natural calamities, fall in the yield of cotton, fall in the price of cotton and such other eventualities as may be prescribed.

Insurance.

6. (1) The Central Government shall set up a fund to be known as the Cotton Growers Welfare Fund.

Cotton Growers Welfare Fund.

(2) The Central Government and the State Governments shall contribute to the fund in such ratio as may be prescribed.

7. The Cotton Growers Welfare Fund shall be used for the following purposes, namely:—

Utilisation of the Fund.

(a) to provide financial assistance to cotton growers for purchasing cotton seeds, pesticides and fertilizers, and in case of low yields of cotton or loss of their crops due to rains, storms, floods, hailstorms and drought;

(b) to pay compensation to the next of kin of cotton growers in the event of their death;

(c) to pay life insurance premium on behalf of the cotton growers;

(d) to provide free health facilities for cotton growers and their families;

(e) to provide assistance to the cotton growers in the event of disability; and

(f) for such other purposes as may be prescribed by the Central Government.

8. The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

Power to make Rules.

## STATEMENT OF OBJECTS AND REASONS

Cotton is a commercial crop. It is cultivated in various States in the country. Cotton Growers are facing problems, as they are not getting remunerative price for their produce. Cotton growing has become a non-profitable agricultural activity due to increase in the prices of cotton seeds, fertilizers and pesticides and other inputs. But the prices of cotton produce have not increased in the same proportion. Cotton growers have to go for loans as the investment in the cultivation has gone up. This has led to the indebtedness of cotton growers and when they are unable to repay loans they take the extreme step of committing suicide.

Moreover, there is no certainty of sale of cotton grown by them. There is growing demand of indian handloom textiles in the world. Therefore, the production of cotton should be increased. But, due to inadequate remunerative price for cotton, the aggrieved cotton growers are forced to abandon cotton farming in favour of other crops.

In the State of Maharashtra, the State Government used to procure cotton by giving bonus under a guarantee. Under that arrangement, the Cotton growers used to get remunerative price. But now the State Government has discontinued this scheme thereby compounding the problems of cotton growers.

The Government is required to provide remunerative price and also immediate relief to cotton growers in the event of natural calamities like storm, heavy rains, drought, hailstorm and flood so that cotton growers can feel respite. There is an urgent need to enact a law, which can ensure government assistance to cotton growers in the event of fall in prices or damage to their crops. Therefore, setting up of a fund for cotton growers and provision of insurance scheme for them will certainly prove to be beneficial for them. An agency is also required to be set up by the Central Government to procure the cotton produce.

The Bill, if enacted, will protect the interests and promote the welfare of the cotton growers in the country.

Hence, this Bill.

NEW DELHI;

November 14, 2007.

HANSRAJ GANGARAMJI AHIR



### FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for procurement of cotton from cotton growers by an agency to be set up by the Central Government and fixation of remunerative prices for cotton by the Central Government. Clause 5 provides for compulsory free insurance by the Central Government of cotton crop against natural calamities. Clause 6 of the Bill provides for setting up of a Cotton Growers Welfare Fund to which the Central Government and the State Governments shall contribute in such ratio, as may be prescribed.

The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India. It is estimated that a recurring expenditure of about rupees two thousand crore may be incurred per annum.

A non-incurring annual expenditure of about rupees five hundred crore is also likely to be incurred on it.

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### MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 8 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill.

As the rules relate to matters of detail only, the delegation of legislative power is of a normal character.

## BILL NO. 26 OF 2008

*A Bill to provide for payment of guaranteed minimum pension to all pensioners in the country and for matters connected therewith.*

BE it enacted by Parliament in the Fifty-ninth Year of the Republic of India as follows:—

1. (1) This Act may be called the National Minimum Pension (Guarantee) Act, 2008.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint but which shall not be later than three months from the date of assent.

Short title,  
extent and  
commence-  
ment.

2. In this Act, unless the context otherwise requires,—

Definitions.

- (i) "Board" means the National Pension Board constituted under section 3;
- (ii) "Fund" means the National Pension Fund constituted under section 5; and
- (iii) "Pensioner" means any person who has served in any office under the Central Government or a State Government or any public sector enterprise or any other statutory agency set up by the Central Government or a State Government and is getting pension by virtue of service rendered by him; and
- (iv) "Prescribed" means prescribed by rules made under this Act.

3. (1) The Central Government shall constitute a Board to be known as the National Pension Board.

National  
Pension  
Board.

(2) The Board shall consist of—

(a) a retired judge of the Supreme Court or the High Court, as the case may be, to be appointed by the Central Government as Chairman;

(b) the Secretary to the Government of India incharge of the Ministry of Labour and Employment who shall be Member-Secretary of the Board, *ex-officio*;

(c) the Secretary to the Government of India incharge of the Ministry of Finance as member;

(d) three members representing major trade unions, to be nominated by the Central Government in such manner as may be prescribed;

(e) two members representing Public Sector Enterprises, to be nominated by the Central Government in such manner as may be prescribed;

(f) two members representing pensioners, to be nominated by the Central Government in such manner as may be prescribed;

(g) two members of Parliament of which one shall be from Lok Sabha and one from Rajya Sabha, who shall be nominated by presiding officers of the respective House; and

(h) one member who shall be an eminent economist, to be nominated by the Central Government in such manner as may be prescribed.

(3) The salary and allowances payable to, and other terms and conditions of service of the Chairman and other members of the Board, shall be such as may be prescribed by the Central Government.

(4) The Central Government shall provide to the Board such number of officers and other employees as it thinks fit for the purposes of this Act.

4. The Board shall perform the following functions,—

Functions of  
the National  
Pension Board.

(i) to maintain the record of such pensioners who are getting less than rupees three thousand and five hundred as monthly pension;

(ii) to ensure that no pensioner is paid less than rupees three thousand five hundred as monthly pension;

(iii) to pay such pensioners who are getting less than rupees three thousand five hundred as monthly pension, the difference of the amount in such manner as may be prescribed;

(iv) to administer the Fund; and

(v) to perform such other functions with regard to pensioners as may be assigned to it by the Central Government.

5. (1) The Central Government shall constitute a fund to be known as the National Pension Fund with a corpus of rupees fifty thousand crore.

National  
Pension Fund.

(2) The Central Government, the State Governments and the pensioners shall contribute to the Fund in such ratio as may be prescribed.

(3) Such other sums as may be received by way of donation, contribution or assistance from individuals, organisations or otherwise shall also be credited to the Fund.

Release of funds.

6. The Central Government shall, after due appropriation by the Parliament, release the necessary funds to the National Pension Board for effective implementation of the Act.

Annual report to be placed before Parliament.

7. The Central Government shall cause to be placed before both Houses of Parliament an annual report giving full account of the activities and performance of the Board.

Power to make rules.

8. (1) The Central Government may, by notification in the Official Gazette, make rules to carry out the provisions of this Act.

(2) Every rule made under this section shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

### STATEMENT OF OBJECTS AND REASONS

The condition of a large number of pensioners in India is miserable, sad and frustrating. They deserve a more decent treatment from the society. They are pensioners because they served the society once.

It is, therefore, the responsibility of the society to treat them with respect and try to solve their problems to the extent possible.

This Bill seeks to provide for payment of minimum pension to every pensioner. Though it would not solve all the problems of the pensioners, it would provide them some kind of relief. It would also give them a sense of satisfaction that their problem got a sympathetic consideration.

Hence this Bill.

NEW DELHI;  
November 11, 2007.

C. K. CHANDRAPPA

### FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for constitution of a National Pension Board. Clause 4 of the Bill provides that the Board shall ensure that every pensioner is paid the minimum pension under the provisions of the Act. Clause 5 of the Bill provides for constitution of a National Pension Fund. Clause 6 of the Bill provides for release of funds to the National Pension Board by the Central Government. The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India. It is estimated that a recurring expenditure of rupees thirty thousand crore will be involved.

A non-recurring expenditure of rupees fifty thousand crore is also likely to be involved.

### MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 8 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill.

As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

**BILL NO. 7 OF 2008**

*A Bill to provide for measures for the protection and welfare of working elephants and for matters connected therewith.*

BE it enacted by Parliament in the Fifty-ninth Year of the Republic of India as follows:—

Short title,  
extent and  
commencement.

1. (1) This Act may be called the Working Elephants (Protection and Welfare) Act, 2008.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint but which shall not be later than three months from the date of assent.

2. In this Act, unless the context otherwise requires,—

Definitions.

(i) "Board" means the Working Elephants Protection and Welfare Board set up under section 3;

(ii) "Fund" means the Working Elephants Protection and Welfare Fund set up under section 7;

(iii) "mahout" means any person who is responsible for driving, training or taking care of an elephant;

(iv) "prescribed" means prescribed by rules made under this Act; and

(v) "working elephant" means any elephant which is domesticated and put to work for earnings by any person or institution by whatever name called.

3. (1) The Central Government shall constitute a board to be known as the Working Elephants Protection and Welfare Board in such manner as may be prescribed.

Working  
Elephants  
Protection and  
Welfare Board.

(2) The Board shall consist of:

(i) an eminent person having special knowledge or practical experience in the field of animal sciences or a veterinary doctor who shall be nominated by the Central Government as Chairman;

(ii) the secretary to the Government of India in charge of the Ministry of Environment and Forests who shall be member-secretary of the Board, *ex-officio*;

(iii) the secretary to the Government of India in charge of Ministry of Finance as member;

(iv) two members representing the owners of timber depots where working elephants are engaged in work, to be nominated in such manner as may be prescribed;

(v) two members representing the owners of circus companies where working elephants are engaged in work, to be nominated in such manner as may be prescribed;

(vi) two members representing the zoological gardens situated in various parts of the Country, to be nominated in such manner as may be prescribed;

(vii) three members representing the places of worship of various faiths where working elephants are engaged for any purpose, to be nominated in such manner as may be prescribed;

(viii) ten members representing the states having largest population of working elephants, to be nominated in such manner as may be prescribed;

(ix) five members representing the working elephant owners, to be nominated in such manner as may be prescribed; and

(x) one member representing the mahouts, to be nominated in such manner as may be prescribed.

(3) The salary and allowances payable to, and other terms and conditions of service of the Chairman and other members of the Board, shall be such as may be prescribed by the Central Government.

4. Notwithstanding anything contained in any other law for the time being in force, the Working Elephants Protection and Welfare Board shall have the power to take steps for the implementation of the provisions of this Act.

Board to have  
power to take  
steps for the  
implementation  
of provisions  
of this Act.

5. (1) The Board shall meet at least once in three months.

Functions of  
the Board.

(2) The Board shall perform the following functions, namely:—

(i) to encourage studies on the problems relating to working elephants and suggest measures to overcome them;

(ii) to create infrastructure for better health care of the working elephants and for their transportation from one place to another;

(iii) to provide for better care and maintenance of working elephants through measures such as inserting electronic chips in their body which shall keep a complete record of life history, health and movement of working elephants;

(iv) to provide special sanctuaries for working elephants and deploy experts in animal science and veterinary doctors in such sanctuaries to ensure that elephant population is sustained and enhanced;

(v) to work in close collaboration with states having high population of working elephants and creation of facilities including facilities for proper food, drinking water and sanitation for the working elephants;

(vi) to create awareness among public to treat domesticated elephants in just and friendly manner;

(vii) prescribe guidelines regarding training, pay and conditions of service of mahouts; and

(viii) to provide for welfare measures for working elephants when they get old and are not able to work.

Duty of the Board to ensure proper care of working elephants.

6. It shall be the duty of the Board to ensure that no cruelty is shown to working elephants and they are treated with compassion, love and care by all persons.

Working Elephants Protection and Welfare Fund.

7. (1) The Central Government shall set up a Fund to be known as the Working Elephants Protection and Welfare Fund with a corpus of rupees two thousand five hundred crore.

(2) The Central Government, the State Governments and the working elephant owners shall contribute to the Fund in such ratio as may be prescribed.

(3) Such other sums as may be received by way of donation, contribution or assistance from individuals, organisations or otherwise shall also be credited to the Fund.

Power to make rules.

8. (1) The Central Government may make rules for carrying out the purposes of this Act.

(2) Every rule made under this section shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.



## STATEMENT OF OBJECTS AND REASONS

The elephant population in the country is gradually coming down and this animal may face extinction. Elephant is an animal which is royal, beautiful and dignified. It would be a sad day for humanity if elephants get extinct, as happened in the case of mammoth and dinosaurs in the past. Elephants have been a good companion to mankind for several thousands of years.

In this context, it is important that we take steps to protect elephants and to promote the welfare of the working elephants. It is easy and practical to take care of the working elephants.

If we are doing it seriously and also consciously, then the State should take the responsibility of providing protected sanctuaries for these animals to rest and also for breeding, for certain number of months every year.

The Bill proposes to set up a Board for the welfare of the working elephants. It also proposes an Elephant Welfare Fund for taking steps to ensure that working elephant's welfare is taken care of.

If the proposed steps are taken, it would contribute to strengthening the wild life and prevent the elephants facing extinction.

Hence this Bill.

NEW DELHI;  
November 19, 2007.

C. K. CHANDRAPPA

## FINANCIAL MEMORANDUM

Clause 3 of the Bill proposes for the setting up of Working Elephants Protection and Welfare Board. Clause 5 provides that the Board shall undertake certain welfare measures in pursuance of the provisions of the Bill. Clause 7 provides for the setting up of Working Elephants Protection and Welfare Fund.

The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India. It is estimated that a recurring expenditure of rupees five hundred crore would be involved.

A non-recurring expenditure of rupees five hundred crore is also likely to be involved.

## MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 8 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill.

As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

## BILL NO. 12 OF 2008

*A Bill further to amend the Constitution (Scheduled Tribes) Order, 1950.*

BE it enacted by Parliament in the Fifty-ninth Year of the Republic of India as follows:—

Short title. 1. This Act may be called the Constitution (Scheduled Tribes) Order (Amendment) Act, 2008.

Amendment of the Schedule. 2. In the Schedule to the Constitution (Scheduled Tribes) Order, 1950, in Part XIII—Rajasthan,

C.O. 22

(i) entry 6 shall be renumbered as 7 and before entry 7 as so renumbered, the following entry shall be inserted, namely:—

"6. Gurjar, Gujjar, Gujar."

(ii) Entries 6 to 12 shall be renumbered as entries 7 to 13.

## STATEMENT OF OBJECTS AND REASONS

The demand of Gurjars for getting the status of scheduled tribe has been going on for long time. The movement to get the status started way back in fifties. Gurjars' economic and social condition is such that they fulfil all the criteria for being included in the list of scheduled tribes. Recently there was a massive agitation also for the same. Gurjars are a deprived lot and their condition is worsening. Immediately steps are needed to raise their status.

Therefore, to give them justice and in view of their economic, educational and social backwardness, it is proposed in the Bill that the Gurjars be included in the list of Scheduled Tribes for the State of Rajasthan.

The Bill seeks to achieve the above objective.

NEW DELHI;  
November 21, 2007.

AVTAR SINGH BHADANA

## FINANCIAL MEMORANDUM

Clause 2 of the Bill seeks to include Gurjar tribe in the list of Scheduled Tribes in respect of the State of Rajasthan. The Bill, if enacted, would involve additional recurring and non-recurring expenditure on account of benefits to be provided to the persons belonging to the Gurjar community to be included under continuing schemes meant for development of the Scheduled Tribes from the Consolidated Fund of India. At this stage, it is not possible to give the exact amount to be incurred on this account. However, it is estimated that a sum of approximately rupees fifty crore is likely to be involved as a recurring expenditure per annum.

A non-recurring expenditure of about rupees one hundred crore is also likely to be involved.

## BILL NO. 9 OF 2008

*A Bill further to amend the Minimum Wages Act, 1948.*

BE it enacted by Parliament in the Fifty-ninth Year of the Republic of India as follows:—

Short title.

1. This Act may be called the Minimum Wages (Amendment) Act, 2008.

Amendment  
of section 3.

2. In section 3 of the Minimum Wages Act, 1948, in sub-section (1), in clause (b),—

11 of 1948

- (i) for the words "five years" the words "two years" shall be substituted;
- (ii) for the proviso, the following proviso shall be substituted, namely:—

"Provided that where for any reason the appropriate Government has not reviewed the minimum rates of wages fixed by it in respect of any scheduled employment within any interval of two years, nothing contained in this clause shall be deemed to prevent it from reviewing the minimum rates after the expiry of the said period of two years and revising them, if necessary, and until they are so revised the minimum rates in force immediately before the expiry of the said period of two years shall continue in force."

## STATEMENT OF OBJECTS AND REASONS

The Minimum Wages Act, 1948 regulates the rates of minimum wages payable to workers engaged in unorganized sector. The minimum wages payable to these workers are presently reviewed and revised every five years. With the change in the economic scenario of our country, there has been a rapid rise in the price index of essential commodities. In view of the increasing cost of living, the Central Government increases the dearness allowance of its employees twice a year. But, people working in unorganized sector are not entitled to such benefits. Thus, the review and revision of the minimum wages at an interval of five years is not in the interest of crores of workers engaged in the unorganized sector. To make the Act more effective and practicable, it is proposed in the Bill to review and revise the minimum wages at such interval not exceeding two years. The Bill, if enacted, will go a long way in fulfilling the aspirations of the workers across the country.

Hence this Bill.

NEW DELHI;  
November 28, 2007.

PRABODH PANDA

## BILL NO. 3 OF 2008

*A Bill further to amend the Constitution (Scheduled Tribes) Order, 1950 and the Constitution (Scheduled Tribes) (Uttar Pradesh) Order, 1967.*

BE it enacted by Parliament in the Fifty-ninth Year of the Republic of India as follows:—

Short title.

1. This Act may be called the Constitution (Scheduled Tribes) Orders (Amendment) Act, 2008.

Amendment  
of the  
Constitution  
(Scheduled  
Tribes) Order,  
1950.

2. In the Constitution (Scheduled Tribes) Order, 1950, in the Schedule, in Part XIII—Rajasthan, the entries 1 to 12 shall be renumbered as entries 2 to 13, respectively, and before entry 2 as so renumbered, the following entry shall be inserted, namely:—

C.O. 22

"1. Banjara."

Amendment  
of the  
Constitution  
(Scheduled  
Tribes) (Uttar  
Pradesh)  
Order, 1967.

3. In the Constitution (Scheduled Tribes) (Uttar Pradesh) Order, 1967, in the Schedule, the entries 1 to 15 shall be renumbered as entries 2 to 16, respectively, and before entry 2 as so renumbered, the following entry shall be inserted, namely:—

C.O. 78

"1. Banjara."

## STATEMENT OF OBJECTS AND REASONS

Even after sixty years of Independence, the community known as Banjaras are still one of the most backward communities in the country. The condition of Banjaras is worse than even the Scheduled Castes and Scheduled Tribes. Most of them are destitute. They have no permanent settlement. Our country has progressed much in every field, but unfortunately Banjaras are still deprived of the benefits of development. Although they are living in a free nation, but, they are yet to enjoy full benefits of development. Even now their way of living has not changed much from that of the eighteenth century. After independence, the provision of reservation has resulted in the advancement of Scheduled Castes and Scheduled Tribes and has enabled them to join the mainstream of the society, but Banjaras are still being neglected by the Government. It is the need of the hour that Banjaras should also be included in the list of Scheduled Tribes and given the benefit of reservation, because they are one of the most primitive communities existing in India for centuries. Already Government of several States have sent or are in the process of sending recommendation to the Central Government to include Banjara community in the list of Scheduled Tribes as they fulfil all criteria of being recognized as Scheduled Tribes. In view of the facts mentioned above, immediate action is required to enact a legislation to give status of Scheduled Tribe to the Banjaras in Uttar Pradesh and Rajasthan, where they are mostly located, so that they can be brought in the mainstream of the society.

Hence this Bill.

NEW DELHI;  
December 4, 2007.

HARIBHAU RATHOD

## FINANCIAL MEMORANDUM

Clauses 2 and 3 of the Bill seeks to include Banjara community in the list of Scheduled Tribes in respect of the States of Rajasthan and Uttar Pradesh by way of amending the Constitution (Scheduled Tribes) Order, 1950 and the Constitution (Scheduled Tribes) (Uttar Pradesh) Order, 1967. The Bill, if enacted, would involve recurring and non-recurring expenditure on account of the benefits to be given under the schemes and programmes of the Government meant for social, educational and economic development of the Scheduled Tribes. At this stage, it is not possible to mention the exact amount which may be incurred on this account. However, it is estimated that a sum of approximately rupees two hundred crore is likely to be involved as a recurring expenditure per annum.

A non-recurring expenditure of about rupees one hundred crore is also likely to be involved.

## BILL NO. 8 OF 2008

*A Bill further to amend the Constitution of India.*

BE it enacted by Parliament in the Fifty-ninth Year of the Republic of India as follows:—

Short title  
and com-  
mencement:

1. (1) This Act may be called the Constitution (Amendment) Act, 2008.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint and different dates may be appointed for different provisions of the Act.

Amendment  
of article 15.

2. In article 15 of the Constitution, in clause (4), for the words "Scheduled Castes and Scheduled Tribes", the words "the Scheduled Castes, the Scheduled Tribes and the Scheduled Denotified Tribes and Nomadic Tribes" shall be substituted.



3. In article 16 of the Constitution, in clause (4A), for the words "Scheduled Castes and Scheduled Tribes", the words "the Scheduled Castes, the Scheduled Tribes and the Scheduled Denotified Tribes and Nomadic Tribes" shall be substituted.

Amendment of article 16.

4. For article 46 of the Constitution, the following article shall be substituted, namely:—

Substitution of new article for article 46.

"46. The State shall promote with special care the educational and economic interests of the weaker sections of the people, and, in particular, of the Scheduled Castes, the Scheduled Tribes and the Scheduled Denotified Tribes and Nomadic Tribes and shall protect them from social injustice and all forms of exploitation."

Promotion of educational and economic interests of Scheduled Castes, Scheduled Tribes, Scheduled Denotified Tribes and Nomadic Tribes and other weaker sections.

5. For article 330 of the Constitution, the following article shall be substituted, namely:—

Substitution of new article for article 330.

"330. (1) Seats shall be reserved in the House of the People for—

- (a) the Scheduled Castes;
- (b) the Scheduled Tribes except the Scheduled Tribes in the autonomous districts of Assam;
- (c) the Scheduled Tribes in the autonomous districts of Assam; and
- (d) the Scheduled Denotified Tribes and Nomadic Tribes.

Reservation of seats for Scheduled Castes, Scheduled Tribes, Scheduled Denotified Tribes and Nomadic Tribes in the House of the People.

(2) The number of seats reserved in any State or Union territory for the Scheduled Castes or the Scheduled Tribes or the Scheduled Denotified Tribes and Nomadic Tribes under clause (1) shall bear, as nearly as may be, the same proportion to the total number of seats allotted to that State or Union territory in House of the People as the population of the Scheduled Castes in the State or Union territory or of the Scheduled Tribes in the State or Union territory or Scheduled Denotified Tribes and Nomadic Tribes in the State or Union territory or part of the State or Union territory, as the case may be, in respect of which seats are so reserved, bears to the total population of the State or Union territory.

(3) Notwithstanding anything contained in clause (2), the number of seats reserved in the House of the People for the Scheduled Tribes in the autonomous districts of Assam shall bear to the total number of seats allotted to that State a proportion not less than the population of the Scheduled Tribes in the said autonomous districts bears to the total population of the State.

*Explanation.*— In this article and in article 332, the expression "population" means the population as ascertained at the last preceding census of which the relevant figures have been published:

Provided that the reference in this *Explanation* to the last preceding census of which the relevant figures have been published shall, until the relevant figures for the first census taken after the year 2026 have been published, be construed as a reference to the 2001 census."

Substitution  
of new article  
for article  
332.

Reservation of  
seats for  
Scheduled  
Castes,  
Scheduled  
Tribes,  
Scheduled  
Denotified  
Tribes and  
Nomadic  
Tribes in the  
Legislative  
Assemblies of  
the States.

6. For article 332 of the Constitution, the following article shall be substituted, namely:—

"332.—(1) Seats shall be reserved for the Scheduled Castes, the Scheduled Tribes and the Scheduled Denotified Tribes and Nomadic Tribes, except the Scheduled Tribes in the autonomous districts of Assam, in the Legislative Assembly of every State.

(2) Seats shall be reserved also for the autonomous districts in the Legislative Assembly of the State of Assam.

(3) The number of seats reserved for the Scheduled Castes or the Scheduled Tribes or the Scheduled Denotified Tribes and Nomadic Tribes in the Legislative Assembly of any State under clause (1) shall bear, as nearly as may be, the same proportion to the total number of seats in the Assembly as the population of the Scheduled Castes in the State or of the Scheduled Tribes in the State or the Scheduled Denotified Tribes and Nomadic Tribes in the State and part of the State, as the case may be, in respect of which seats are so reserved bears to the total population of the State.

(3A) Notwithstanding anything contained in clause (3), until the taking effect, under article 170, of the re-adjustment, on the basis of the first census after the year 2026, of the number of seats in the Legislative Assemblies of the States of Arunachal Pradesh, Meghalaya, Mizoram and Nagaland, the seats which shall be reserved for the Scheduled Tribes in the Legislative Assembly of any such State shall be—

(a) if all the seats in the Legislative Assembly of any such State in existence on the date of coming into force of the Constitution (Fifty-seventh Amendment) Act, 1987 (hereafter in this clause referred to as the existing Assembly) are held by members of the Scheduled Tribes, all the seats except one;

(b) in any other case, such number of seats as bears to the total number of seats, a proportion not less than the number (as on the said date) of members belonging to the Scheduled Tribes in the existing Assembly bears to the total number of seats in the existing Assembly.

(3B) Notwithstanding anything contained in clause (3), until the re-adjustment, under article 170, takes effect on the basis of the first census after the year 2026, of the number of seats in the Legislative Assembly of the State of Tripura, the seats which shall be reserved for the Scheduled Tribes in the Legislative Assembly shall be, such number of seats as bears to the total number of seats, a proportion not less than the number, as on the date of coming into force of the Constitution (Seventy-second Amendment) Act, 1992, of members belonging to the Scheduled Tribes in the Legislative Assembly in existence on the said date bears to the total number of seats in that Assembly.

(4) The number of seats reserved for an autonomous district in the Legislative Assembly of the State of Assam shall bear to the total number of seats in that Assembly a proportion not less than the population of the district bears to the total population of the State.

(5) The constituencies for the seats reserved for any autonomous district of Assam shall not comprise any area outside that district.

(6) No person who is not a member of a Scheduled Tribe of any autonomous district of the State of Assam shall be eligible for election to the Legislative Assembly of the State from any constituency of that district:

Provided that for elections to the Legislative Assembly of the State of Assam, the representation of the Scheduled Tribes and non-Scheduled Tribes in the constituencies

included in the Bodoland Territorial Areas District, so notified, and existing prior to the constitution of Bodoland Territorial Areas District, shall be maintained."

7. In article 334 of the Constitution, in clause (a), for the words, "the Scheduled Castes and the Scheduled Tribes", the words, "the Scheduled Castes, the Scheduled Tribes and the Scheduled Denotified Tribes and Nomadic Tribes", shall be substituted.

Amendment of article 334.

8. For article 335 of the Constitution, the following article shall be substituted, namely:—

Substitution of new article for article 335.

"335. The claims of the members of the Scheduled Castes, the Scheduled Tribes and the Scheduled Denotified Tribes and Nomadic Tribes shall be taken into consideration, consistently with the maintenance of efficiency of administration, in the making of appointments to services and posts in connection with the affairs of the Union or of a State:

Claims of Scheduled Castes, Scheduled Tribes, the Scheduled Denotified Tribes and Nomadic Tribes to services and posts.

Provided that nothing in this article shall prevent in making of any provision in favour of the members of the Scheduled Castes, the Scheduled Tribes and the Scheduled Denotified Tribes and Nomadic Tribes for relaxation in qualifying marks in any examination or lowering the standards of evaluation, for reservation in matters of promotion to any class or classes of services or posts in connection with the affairs of the Union or of a State."

9. After article 342 of the Constitution, the following article shall be inserted, namely:—

Insertion of new article 342A.

"342A. (1) The President may with respect to any State or Union Territory, and where it is a State, after consultation with the Governor thereof, by public notification, specify the tribes or tribal communities or parts of or groups within tribes or tribal communities which shall for the purposes of this Constitution be deemed to be Scheduled Denotified Tribes and Nomadic Tribes in relation to that State or Union territory, as the case may be.

Scheduled Denotified Tribes and Nomadic Tribes.

(2) Parliament may by law include in or exclude from the list of Scheduled Denotified Tribes and Nomadic Tribes specified in a notification issued under clause (1) any tribe or tribal community or part of or group within any tribe or tribal community, but save as aforesaid a notification issued under the said clause shall not be varied by any subsequent notification."

## STATEMENT OF OBJECTS AND REASONS

People belonging to the Scheduled Castes and the Scheduled Tribes are well safeguarded by the Constitution and they have been enjoying the benefits of reservation for so many years. However, it is unfortunate that nobody has given attention to the problem of upliftment of the Denotified, Nomadic and Semi-Nomadic tribes of the country which constitute one of the most backward communities even after sixty years of independence. The population of the Denotified Tribes in the country, according to a rough estimate, is about 15 crore. About 50 to 60 tribes come under this category. In pre-independence era, these tribes were notified as criminal tribes. However, Pandit Jawaharlal Nehru denotified them and assured them that all efforts would be made for the overall upliftment of this community. The Planning Commission has also felt that there is a need for upliftment of the Denotified Tribes and special provision/budget should be made for the development of this most backward community of the country. In the Third Five Year Plan, there was a special provision for this community but the same has been discontinued without any valid reason. After the death of Pandit Jawaharlal Nehru, his words about the upliftment and development of the Denotified Tribes were not given due consideration. Justice Venkatchelliah Commission which was constituted to Review the Working of Constitution of India, has recommended that separate budget provision for development of this community should be made. The Mandal Commission had also recommended that this community should be given separate reservation. The National Commission for Denotified, Nomadic and Semi-Nomadic Tribes, in its interim report, has also recommended separate reservation and budget provision for this community. The Technical Advisory Group under the Chairmanship of Dr. Ganesh Devy has recommended separate reservation for this community. Keeping in view the plight of the Denotified Tribes, it is utmost necessary that this community be provided reservation so that the people belonging to this community develop socially, educationally and economically.

The Bill seeks to achieve the above objectives.

NEW DELHI;  
December 6, 2007.

HARIBHAU RATHOD

## BILL NO. 11 OF 2008

*A Bill to provide for the establishment of a permanent Bench of the High Court of Kerala at Thiruvananthapuram.*

BE it enacted by Parliament in the Fifty-ninth Year of the Republic of India as follows:—

1. This Act may be called the High Court of Kerala (Establishment of a Permanent Bench at Thiruvananthapuram) Act, 2008.

Short title.

2. There shall be established a permanent Bench of the High Court of Kerala at Thiruvananthapuram, and such Judges of the High Court of Kerala, being not less than three in number, as the Chief Justice of that High Court may, from time to time nominate, shall sit at Thiruvananthapuram in order to exercise the jurisdiction and power for the time being vested in that High Court in respect of cases arising in the districts of Thiruvananthapuram, Kollam and Pathanamthitta.

Establishment of a Permanent Bench of High Court of Kerala at Thiruvananthapuram.

### STATEMENT OF OBJECTS AND REASONS

The State of Kerala was formed on November 1st, 1956 with the joining of the Travancore-Cochin State and Malabar. The seat of the Kerala High Court is at Ernakulam. Since the formation of the State, there has been a demand of the people that a Bench of the High Court be set up at Thiruvananthapuram which is also the capital city.

If a Bench of the Kerala High Court is established at Thiruvananthapuram, it would greatly convenience the Government, the Government servants, various institutions and also the lawyers based in and around the city of Thiruvananthapuram and the people at large. They would be able to pursue their cases in the High Court at significantly low cost.

Since the capital of the State is in Thiruvananthapuram and the High Court is located at Ernakulam, the State Government has to face difficulties in dealing with matters connected with High Court as officials have to travel to Ernakulam resulting in loss of time and money. It will be, therefore, appropriate if a Bench of High Court is established at Thiruvananthapuram.

Hence this Bill.

NEW DELHI;  
December 6, 2007.

C.K. CHANDRAPPAN

**BILL NO. 2 OF 2008**

*A Bill further to amend the Constitution of India.*

BE it enacted by Parliament in the Fifty-ninth Year of the Republic of India as follows:—

1. This Act may be called the Constitution (Amendment) Act, 2008.

Short title.

2. In the Eleventh Schedule to the Constitution, entries 27 to 29 shall be renumbered as entries 28 to 30 and before entry 28 as so renumbered, the following entry shall be inserted, namely:—

Amendment  
of the  
Eleventh  
Schedule.

“27. Maintenance and welfare of senior citizens, including the running of senior citizens' homes and day care centres for senior citizens.”.

## STATEMENT OF OBJECTS AND REASONS

The Parliament has recently enacted a well intentioned legislation namely, 'the Maintenance and Welfare of Parents and Senior Citizens Act, 2007'. The enactment provides for entitlement of maintenance to a senior citizen including parent who is unable to maintain himself from his own earning or out of the property owned by him against one or more of his children not being a minor, and in the case of a childless senior citizen against his relatives who would inherit his property. Failure in fulfilling this responsibility by the children or relatives would attract punishment. Neglected parents have been given the right to get legal remedy.

One of the glaring shortcomings in this enactment is that it would only benefit the senior citizens who are rich enough to own property. For the poor, who own no property, the enactment provides that the States may establish old age homes in a phased manner, at least one such old age home in each district, to accommodate senior citizens who are indigent.

There is a large number of poverty stricken people in our society whose income is so small that they are not in a position to take care of their own minimum needs. In such a situation, it is not reasonable or realistic to expect that they would take care of their old parents.

It would be proper if the Gram Panchayats are constitutionally empowered to take care of the welfare of the senior citizens. If that is done, the Centre and State Governments would be responsible to extend financial support to the scheme of building old age homes and to provide sufficient infrastructure to meet this stupendous task.

The Bill seeks to provide that the task of maintenance and welfare of senior citizens including running of 'senior citizens homes' and 'day care centres' for senior citizens be handed over to Gram Panchayats.

It would provide an opportunity for senior citizens to live together, enjoy the facilities for recreation, food and medical care at one place. It would help our society to be more humane towards the senior citizens.

The Bill, if enacted, will go a long way to strengthen the institution of local self Government and meet the aspirations of the people at village level.

Hence this Bill.

NEW DELHI;  
December 6, 2007.

C.K. CHANDRAPPAN



## BILL NO. 15 OF 2008

*A Bill further to amend the Narcotic Drugs and Psychotropic Substances Act, 1985.*

BE it enacted by Parliament in the Fifty-ninth Year of the Republic of India as follows:—

1. This Act may be called the Narcotic Drugs and Psychotropic Substances (Amendment) Act, 2008.

Short title.

2. In the Narcotic Drugs and Psychotropic Substances Act, 1985 (hereinafter referred to as the principal Act), in section 2, for sub-section (xviii), the following sub-section shall be substituted, namely:—

Amendment  
of section 2.

“(xviii) “poppy straw” means all parts (except the seeds, the leaves, the husk, the roots and the stems) of the opium poppy after juice has been extracted therefrom.”

Amendment  
of section 15.

3. In section 15 of the principal Act, after the proviso, the following proviso shall be inserted, namely:

"Provided further that no person who has been issued a licence for cultivating opium poppy shall be subjected to any punishment, if, after harvesting it, he possesses either the leaves, the husk, the roots or the stems of the opium poppy."

Amendment  
of section 19.

4. In section 19 of the principal Act,—

(i) for the words "which shall not be less than ten years but which may extend to twenty years and shall also be liable to fine which shall not be less than one lakh rupees but which may extend to two lakh rupees", the words "which shall not be less than six months but which may extend to two years and shall also be liable to fine which shall not be less than ten thousand rupees but which may extend to twenty-five thousand rupees" shall be substituted; and

(ii) in the proviso, for the words "two lakh rupees", the words "twenty-five thousand rupees" shall be substituted.

Amendment  
of section  
53A.

5. In section 53A of the principal Act, in sub-section (i), the following proviso shall be added at the end, namely:—

"Provided that any statement made by any person before any officer under this section shall not be the conclusive proof of offence having been committed under the Act unless it is proved by other corroborative evidence."

**STATEMENT OF OBJECTS AND REASONS**

The cultivators of opium poppy plant after extraction of the juice, keep poppy straw which includes the leaves, the husk, the roots and the stems until it is sold. The existing definition of "poppy straw" in the Narcotic Drugs and Psychotropic Substances Act, 1985, includes such leaves, husk, roots and stems. This definition needs to be amended so that the cultivators and other persons in possession of these parts of the poppy plant, are not harassed by the enforcement authorities.

Punishment prescribed for contravention of the provisions of the Act in relation to poppy straw and for embezzlement of opium by cultivators is excessive. It is, therefore, necessary to reduce the extent of punishment prescribed so as to make it realistic and also to facilitate implementation of the provisions of the Act by the enforcement authorities and the courts.

The Bill seeks to achieve the above objectives.

NEW DELHI,

LAXMINARAYAN PANDEY

December 12, 2007.

## BILL NO. 16 OF 2008

*A Bill to provide for the fixation of wages of domestic workers and for the improvement of their working conditions and for matters connected therewith.*

BE it enacted by Parliament in the Fifty-ninth Year of the Republic of India as follows:—

Short title,  
extent,  
commencement  
and  
application.

1. (1) This Act may be called the Domestic Workers (Conditions of Service) Act, 2008..
- (2) It extends to the whole of India except the state of Jammu and Kashmir.
- (3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.
- (4) It shall apply to every individual employing one or more workers for domestic work in his house.

2. In this Act, unless the context otherwise requires,—

Definitions.

(a) "domestic work" includes cooking, house-cleaning and attending to all other odd jobs connected with other house-hold chores;

(b) "Government" means the Central Government; and

(c) "worker" means any person employed for domestic work.

3. (1) The provisions of the Industrial Disputes Act, 1947, as in force for the time being, shall, so far as applicable and subject to the modification specified in sub-section (2), apply to, or in relation to workers as they apply to, or in relation to workmen within the meaning of that Act.

Application of the provisions of the Industrial Disputes Act, 1947.

(2) Section 25F of the aforesaid Act, in its application to workers shall be construed as if in clause (a) thereof, for period of notice referred to therein in relation to the retrenchment of a workman, the following periods of notice in relation to the retrenchment of a worker had been substituted, namely:—

(a) three months in case of workers who have been in continuous service for a period of not less than two years; and

(b) two months in case of other workers.

4. Where any worker has been in continuous service, whether before or after the commencement of this Act, for not less than one year, and—

Payment of gratuity to workers.

(i) his services are terminated by the employer for any reason whatsoever, or

(ii) he voluntarily resigns from service, or

(iii) he dies while in service,

the worker or, in the case of his death, his nominee or if there is no nomination in force at the time of the death of the worker, his heirs, as the case may be, shall without prejudice to any benefits or rights accruing under the Industrial Disputes Act, 1947, be paid, on such termination, resignation or death, by the employer gratuity which shall be equivalent to fifteen days' average pay for every completed year of service or any part thereof in excess of six months.

14 of 1947.

5. (1) The Government may, in consultation with the representatives of the workers from amongst the Unions or Associations of the Workers, by order,—

Fixation of wages by the Government.

(a) fix rates of wages in respect of workers; and

(b) revise, from time-to-time, at such intervals as it may think fit, the rates of wages fixed under this section.

(2) The rates of wages may be fixed or revised by the Government in respect of workers working on time work basis or on piece work basis.

6. Every worker shall be entitled to be paid by his employer wages at the rates which shall in no case be less than the rate of wages specified in the order referred to in section 5.

Right to wages.

7. No worker shall be required or allowed to work for more than eight hours during the day exclusive of the time for meals and leisure.

Hours of work.

8. Every worker shall be allowed during a period of seven consecutive days, a rest for a period of not less than twenty-four consecutive hours.

Period of rest.

9. Every worker, who has put in a service for a period of not less than six months, shall be entitled every year to the following leave, namely:—

Leave entitlement.

Casual Leave — 12 days;

Sick Leave — 21 days; and

Earned Leave — 1/11th of the number of days spent on Duty.

Maintenance  
of Registers  
and records

10. Every employer of domestic workers shall prepare and maintain such registers, records and muster-rolls in such manner as may be prescribed.

Appointment  
of  
Inspectors

11. (1) The State Governments or the Union Territory Administrations, as the case may be, may, by notification in the Official Gazette, appoint such persons as they think fit to be inspectors for the purpose of this Act and may define the local limits within which they shall exercise their powers.

(2) Every Inspector shall be deemed to be a public servant within the meaning of the Indian Penal Code, 1860.

#5 of 1860.

Powers of  
Inspectors

12. An Inspector may,—

(a) require any person to produce any register, muster-roll or other documents relating to the employment of workers by him and examine such documents;

(b) take, on the spot or otherwise, the evidence of any person for the purpose of ascertaining whether the provisions of this Act or any other Act made applicable to the domestic workers are complied with notwithstanding any other authority who may be empowered with same powers or any part thereof.

Punishment

13. If any employer contravenes the provisions of this Act, he shall be punishable with fine which may extend to one thousand rupees notwithstanding any other punishment to which he may be liable for the contravention of any other law for the time being in force governing the domestic workers.

Power to  
make rules

14. (1) The Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) Every rule made under this section shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days, which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

**STATEMENT OF OBJECTS AND REASONS**

There are millions of domestic servants working as maid-servants or male-servants to attend to household and other personal work. The working conditions of these domestic servants are miserable and primitive. There is no protection for these workers under any statute. They are neither paid reasonable wages nor their hours of service determined. They are required to work for almost eighteen hours a day without any rest or leisure. These workers are not entitled to any benefits such as gratuity, provident fund, bonus, leave with wages, holidays, etc. Their services can also be terminated at any time without prior notice and compensation by their masters.

The domestic servants have been agitating for better service conditions throughout the country. It is, therefore, essential to regulate their service conditions.

Hence this Bill.

NEW DELHI:

MOHAN SINGH

February 13, 2008.

**FINANCIAL MEMORANDUM**

Clause 11 of the Bill provides that the State Governments or the Union Territory Administrations, as the case may be, may appoint such persons as they think fit to be Inspectors for the purposes of this Act. The State Governments will incur expenditure from their respective Consolidated Funds for payment of salaries and allowances, etc. to the Inspectors and the Central Government would have to incur expenditure in respect of Inspectors appointed by the Union Territory Administrations from the Consolidated Fund of India.

It is estimated that a recurring expenditure of about rupees fifty lakh is likely to be involved from the Consolidated Fund of India per annum.

It is also likely to involve a non-recurring expenditure of about rupees one crore.

**MEMORANDUM REGARDING DELEGATED LEGISLATION**

Clause 14 of the Bill empowers the Central Government to make rules for carrying out the purposes of this Bill. Since the rules will relate to matters of detail only, the delegation of legislative power is of anormal character.

## BILL NO. 20 OF 2008

*A Bill to provide for the setting up of a National Flood Control Board to control floods and for matters connected therewith.*

WHEREAS entry 56 of List I—Union List of the Seventh Schedule to the Constitution provides for regulation and development of Inter-State rivers and river valleys to the extent to which such regulation and development under the control of the Union is declared by Parliament by law to be expedient in the public interest;

AND WHEREAS a lot of havoc is caused by floods every year in almost all parts of the country;

AND WHEREAS it is expedient in the public interest to take effective measures for flood control;

BE it enacted by Parliament in the Fifty-ninth Year of the Republic of India as follows:—

Short title  
and  
commencement.

1. (1) This Act may be called the Flood Control Act, 2008.

(2) It shall come into force at once.

Setting up of  
a National  
Flood Control  
Board.

2. (1) The Central Government shall set up a Board to be known as the National Flood Control Board (hereinafter referred to as the Board).

(2) The head office of the Board shall be at New Delhi.



3. (1) The Board shall consist of:—

Composition  
of Board

(a) A Chairman, who shall be an expert dealing with flood control, to be appointed by the Central Government; and

(b) a representative each from every State Government and Union Territory, who shall be expert on flood control measures, to be nominated by the Central Government in such manner as may be prescribed.

(2) The salary and allowances payable to and other terms and conditions of service of the Chairman and other Members of the Board shall be such as may be prescribed.

4. The Central Government shall make available to the Board such officers and staff as may be required for efficient functioning of the Board.

Provision of  
officers and  
staff for the  
Board.  
Functions of  
Board.

5. The functions of the Board shall be—

(a) to identify the areas which are prone to floods;

(b) to suggest measures for flood control;

(c) to make a time bound plan for inter-linking of rivers which are prone to floods with the ones which are not so;

(d) to suggest measures for the development of land in areas which are prone to floods;

(e) to deploy flood forecasting system in such areas which are prone to floods and warn the inhabitants in those areas to move out to safer places in case floods are forecast in an area;

(f) advise the State Governments as to preventative and rehabilitation measures during floods; and

(g) advise the State Governments for proper storage of rain water and construction of dams.

6. The cost of taking up the floods control measures as suggested by the Board shall be borne by the Central Government and the State Governments in such ratio, as may be determined by the Board.

Cost to be  
borne by  
Central and  
State  
Governments.

7. (1) The Board shall make recommendations to the Central Government as to flood control measures.

Recommen-  
dations to the  
Government.

(2) It shall be the duty of the Central Government to implement the recommendations of the Board:

Provided that where it is felt necessary that any recommendation cannot be implemented due to any reason, the Central Government may, to be recorded in writing, inform the Board accordingly.

8. There shall be constituted a Committee of members of Parliament to monitor the implementation of flood control measures undertaken on the suggestion of the Board.

Committee of  
Members of  
Parliament.

9. The Board shall prepare every year, in such form as may be prescribed, an annual report giving a true and full account of its activities during the previous year and copies thereof shall be forwarded to the Central Government and the Government shall cause the same to be laid before each House of Parliament.

Annual  
Report.

10. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

Power to make  
rules.

(2) Every rule made under this section shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

### STATEMENT OF OBJECTS AND REASONS

India is the land of many great rivers. Floods occur in almost all river basins of the country. The water resources of the country are not being fully utilized. Every year there are floods which cause immense loss of life and property. Whereas in some parts of the country there are floods, there is drought in other parts. The national resources are damaged by floods. This problem needs to be addressed urgently to mitigate the effects of floods.

Therefore, it is expedient in the public interest to evolve an integrated and scientific approach to the flood control problems and to draw out a national plan fixing priorities for implementation in the future.

The Bill seeks to provide for the setting up of a National Flood Control Board to suggest measures to prevent and control floods in the country.

NEW DELHI;

MOHAN SINGH

*February 13, 2008.*

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### FINANCIAL MEMORANDUM

Clause 2 of the Bill provides for setting up of a National Flood Control Board. Clause 3 provides for the composition of the Board. It further provides for salary and allowances to Chairman and Members. Clause 4 provides that the Central Government shall provide officers and staff to the Board. Clause 6 provides that the expenditure on flood control measures suggested by the Board shall be borne by the Central Government and State Governments. Clause 8 provides for the constitution of a Committee of Members of Parliament to monitor the implementation of flood control measures undertaken on suggestion of the Board. The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India. It is likely to involve a recurring expenditure of about rupees one hundred crore per annum.

A non-recurring expenditure of about rupees one hundred crore is also likely to be involved.

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### MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 10 of the Bill gives power to the Central Government to frame rules for carrying out the purposes of the Bill. The rules will relate to matters of detail only and as such the delegation of legislative power is of a normal character.

## BILL NO. 35 OF 2008

*A Bill to amend the Scheduled Tribes and Other Traditional Forest Dwellers  
(Recognition of Forest Rights) Act, 2006.*

BE it enacted by Parliament in the Fifty-ninth Year of the Republic of India as follows:—

Short title,  
and  
commencement.

1. (1) This Act may be called the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Amendment Act, 2008.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Amendment  
of section 2.

2. In the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, in section 2, in clause (c), for the words "the Scheduled Tribes who primarily reside in and who depend on the forests or forest lands", the words "the Scheduled Tribes who primarily reside in areas or villages or hamlets situated in or around forests and who depend on the forests or forest lands" shall be substituted.

2 of 2007.

## STATEMENT OF OBJECTS AND REASONS

The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 seeks to provide for forest rights and occupation of forest land by forest dwelling Scheduled Tribes and other traditional forest dwellers who have been residing there for generations.

The aim of the Government and the spirit of the Act is to protect the rights of all Scheduled Tribes, irrespective of the fact whether they are living in the forest or in any village or hamlet in and around forests not covered under Scheduled Areas. However, in the present Act, Scheduled Tribes living in villages and hamlets situated in the areas which are not Scheduled Areas have not been expressly given the same rights as the Scheduled Tribes living in the Scheduled Areas, although they are also equally entitled for forest rights as they entirely depend on forests for their livelihood. They also deserve to be given their rightful share, as they have no other source of income of their own. For example, in Andhra Pradesh, there are more than 800 villages situated in or around forests which are totally inhabited by Scheduled Tribes but they are not treated as forest dwelling Scheduled Tribes and are thereby denied of their forest rights even under the above Act because these areas are not covered within the meaning of Scheduled Areas.

So, the objective of the Bill is to redefine the phrase 'forest dwelling Scheduled Tribes' under section 2(c) of the Act. By amending the phrase 'forest dwelling Scheduled Tribes', forest rights have not only been extended to tribes living in forests of Scheduled Areas but also to tribes living in villages and hamlets which are situated in and around the forest areas falling in non-Scheduled Areas.

The Bill seeks to achieve the above objective.

NEW DELHI;

L. RAJAGOPAL

February 25, 2008.

## BILL NO. 37 OF 2008

*A Bill further to amend the Constitution (Scheduled Castes) Order, 1950, the Constitution (Scheduled Castes) (Union Territories) Order, 1951, the Constitution (Jammu and Kashmir) Scheduled Castes Order, 1956, the Constitution (Dadra and Nagar Haveli) Scheduled Castes Order, 1962, the Constitution (Puducherry) Scheduled Castes Order, 1964 and the Constitution (Sikkim) Scheduled Castes Order, 1978.*

BE it enacted by Parliament in the Fifty-ninth Year of the Republic of India as follows:—

Short title.

1. This Act may be called the Constitution (Scheduled Castes) Orders (Amendment) Act, 2008.

Amendment  
of the  
Constitution  
(Scheduled  
Castes)  
Order, 1950.

2. In the Constitution (Scheduled Castes) Order, 1950:—

C.O. 19

(a) in paragraph 3, for the words "or the Buddhist" the words "the Buddhist or the Christian" shall be substituted.

(b) in the Schedule, in Part VIII.—Kerala:—

(i) entries 18 to 38 shall be renumbered as entries 19 to 39, respectively and before entry 19 as so renumbered, the following entry shall be inserted, namely:—

**"18. Dheevara Araya, Valan, Mukaveera, Valanjier, Mukkuva, Arayavaathy, Paniyar, Nulaya, Paniyakkal and Bovismukayar".**

(ii) after entry 39 as so renumbered, the following entry shall be inserted, namely:—

**"40. Mukkuvar, Anjoottykar, Munnoottykar".**

(iii) existing entries 39 to 69 shall be renumbered as entries 41 to 71, respectively.

C.O. 32	<b>3. In the Constitution (Scheduled Castes) (Union Territories) Order, 1951, in paragraph 3, for the words "or the Buddhist" the words "the Buddhist or the Christian" shall be substituted.</b>	Amendment of the Constitution (Scheduled Castes) (Union Territories) Order, 1951.
C.O. 52	<b>4. In the Constitution (Jammu and Kashmir) Scheduled Castes Order, 1956, in paragraph 2, in the proviso, for the words "or the Buddhist" the words "the Buddhist or the Christian" shall be substituted.</b>	Amendment of the Constitution (Jammu and Kashmir) Scheduled Castes Order, 1956.
C.O. 64	<b>5. In the Constitution (Dadra and Nagar Haveli) Scheduled Castes Order, 1962, in paragraph 2, in the proviso, for the words "or the Buddhist" the words "the Buddhist or the Christian" shall be substituted.</b>	Amendment of the Constitution (Dadra and Nagar Haveli) Scheduled Castes Order, 1962.
C.O. 68	<b>6. In the Constitution (Puducherry) Scheduled Castes Order, 1964, in paragraph 2, in the proviso, for the words "or the Buddhist" the words "the Buddhist or the Christian" shall be substituted.</b>	Amendment of the Constitution (Puducherry) Scheduled Castes Order, 1964.
C.O. 110	<b>7. In the Constitution (Sikkim) Scheduled Castes Order, 1978, in paragraph 2, in the proviso, for the words "or the Buddhist" the words "the Buddhist or the Christian" shall be substituted.</b>	Amendment of the Constitution (Sikkim) Scheduled Castes Order, 1978.

## STATEMENT OF OBJECTS AND REASONS

India is a secular and democratic republic. The Constitution prohibits the discrimination on the basis of religion, caste, place of birth, etc. of the citizens. Simultaneously, it provides that the State shall make special provisions for the advancement of socially and educationally backward citizens of the country including scheduled castes and scheduled tribes. In spite of so many enabling provisions in the Constitution to support the weaker sections of the society, the successive Governments have shown no interest to confer the status of Scheduled Castes on and extend the benefits of reservations to, the persons who originally belonged to the Scheduled Castes but have since converted to other religions.

The social status of these people, particularly of those who converted to Christianity, has not improved much even after their conversion. They are still living in pathetic conditions. After conversion, these people lost the status of Scheduled Castes in the eyes of the law and were deprived of the benefits of reservation in jobs, etc. under the State. Moreover, the social and educational status of such people is not different from that of people belonging to the Scheduled Castes. They have not been included in the list of Scheduled Castes for the reason that these persons profess a religion different from the Hindu, the Sikh or the Buddhist religion. It is, therefore, necessary to amend the various Constitution (Scheduled Castes) Orders in order to extend the benefits of reservation to the persons who originally belonged to Scheduled Castes but have since then converted to the Christian religion.

The Bill, therefore, seeks to amend the various Constitution (Scheduled Castes) Orders by substituting the words "the Buddhist or the Christian" for the words "or the Buddhist" occurring therein.

As per the Provisions of Article 341 of the Constitution, the list of Scheduled Castes was first notified in 1950 and was subsequently modified from time to time. However, certain communities like Dheevara, Araya, Valan, Mukaveera, Valanjier, Mukkuva, Arayavaathy, Paniyar, Nulaya, Paniyakkal, Bovismukayar of Hindu religion and Mukkuvar, Anjoottykkar and Munnoottykkar of Christian religion were not included in the Constitution (Scheduled Castes) Order, 1950 in relation to the State of Kerala. The people of these communities live along the coastal areas and river banks in Kerala. They depend mainly on fishing for their livelihood. They are socially, educationally and economically backward. Other than Adivasis, they are the most backward communities in Kerala. In order to bring them in the mainstream, they should be included in the Constitution (Scheduled Castes) Order, 1950 in relation to the State of Kerala.

The Bill seeks to achieve the above objectives.

NEW DELHI;  
February 28, 2008.

K.S. MANOJ



## FINANCIAL MEMORANDUM

Clauses 2 to 7 of the Bill seek to insert the words "the Buddhist or the Christian" for the words "or the Buddhist" in various Constitution (Scheduled Castes) Orders. Clause 2 of the Bill also seeks to include certain new castes, namely, Dheevera Araya, Valan, Mukaveera, Valanjier, Mukkuva, Arayavaathy, Paniyar, Nulaya, Paniyakkal and Bovismukayar of Hindu religion and Mukkuvar, Anjoottykar, Munnoottykar communities of Christian religion in Part VIII.-Kerala, in the Schedule to the Constitution (Scheduled Castes) Order, 1950. This will entail additional recurring and non-recurring expenditure on account of benefits to be provided to the persons belonging to these communities under the various schemes meant for the development of the Scheduled Castes. At this stage, it is not possible to give the exact amount which may be incurred on this account. However, the expenditure, both recurring or non-recurring, will be met out of the Consolidated Fund of India. It is likely to involve an annual recurring expenditure of about rupees one hundred crore from the Consolidated Fund of India.

A non-recurring expenditure of rupees five hundred crore is also likely to be involved.

## BILL NO. 36 OF 2008

*A Bill further to amend the Constitution of India.*

BE it enacted by Parliament in the Fifty-ninth Year of the Republic of India as follows:—

Short title and  
commencement.

1. (1) This Act may be called the Constitution (Amendment) Act, 2008.
- (2) It shall come into force at once.

Amendment  
of the  
Seventh  
Schedule.

2. In the Seventh Schedule to the Constitution,—
  - (i) In List II-State List, entry 21 shall be omitted.
  - (ii) In List III-Concurrent List, after entry 17B, the following new entries shall be inserted, namely:—

“17C. Fisheries.

17D. Protection of marine biodiversity.”

## STATEMENT OF OBJECTS AND REASONS

Fisheries constitute one of the important means of livelihood, especially for those living in coastal regions. In coastal regions, fisheries not only constitute an important part in the diet of the people but are source of income as well. But in the present economic scenario, greed has overtaken this sector and with the entry of trading institutions in the sector, the exploitation of fisheries is now going on at an alarming rate. The number of fish available is on the decline. Fish are caught even during breeding season. Some States have banned the operation of trawlers during breeding season, but it is not uniform. Fisheries being in State List, all the States have different laws on the subject. And, at times these laws are made without keeping in mind the best interests of fisheries but cater to interests of the companies operating large trawlers. All this may have a bearing not only on our marine resources but also on the right to livelihood of small fishermen. Moreover, the technique employed by large trawlers is not sustainable for maintaining a healthy breeding and catching ratio. It is high time the country took positive steps to protect its fisheries and marine resources.

Presently a number of systems exist for the protection of marine resources and marine environment, but they are not only complex and confusing but also are costly and do not provide a strategic approach to address the issue.

Inserting a new entry in the concurrent list of the Seventh Schedule to our Constitution for the protection of marine biodiversity will go a long way in introducing a new system of marine planning as well as giving the issue the importance it deserves. It will also help bringing about uniformity in legislation regarding the use of fisheries, marine space and the interaction between its uses. Therefore, it is necessary that we have a separate entry for protection of marine biodiversity in our Constitution.

Hence this Bill.

NEW DELHI;  
March 11, 2008.

ANANTKUMAR HEGDE

## BILL NO. 38 OF 2008

*A Bill to amend the Scheduled Tribes and Other Traditional Forest Dwellers  
(Recognition of Forest Rights) Act, 2006.*

BE it enacted by Parliament in the Fifty-ninth Year of the Republic of India as follows:—

Short title and  
commencement.

1. (1) This Act may be called the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Amendment Act, 2008.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Amendment  
of section 2.

2. In section 2 of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (hereinafter referred to as the principal Act), for clause (o), the following clause shall be substituted, namely:—

'(o) "other traditional forest dweller" means any member or community who has for at least one generation prior to the 13th day of December, 2005 primarily resided in

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and who has engaged in agriculture on the forest land or who depend on the forests or forest land for *bona fide* livelihood needs but does not include a migrant or refugee from outside India.

*Explanation:*—For the purpose of this clause, “generation” means a period comprising of twenty-five years;.

3. In section 6 of the principal Act, in sub-section (8), the following proviso shall be inserted, namely:—

Amendment  
of section 6.

“Provided that in case of Sub-Divisional Level and District Level Committees, the provision regarding appointment of Scheduled Tribe members shall not apply, if such members of the Panchayati Raj Institutions at the appropriate level are not available.”

## STATEMENT OF OBJECTS AND REASONS

The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 was brought to confer certain rights on persons who are forest dwellers and are traditionally dependent on forests for their *bona fide* livelihood needs.

There are certain forest dwellers who are engaged either in agricultural activities or work as agricultural labourers and remain deprived of the benefits of this Act, since they do not fulfil the criteria provided therein, *i.e.*, having lived in the forest areas for at least three generations or seventy-five years. Such persons need the protection of the Act, as they are very poor and have no other source of livelihood. Therefore, the condition of having lived in the forests should be reduced from seventy-five to twenty-five years. Besides, the protection of the Act should not be extended to persons migrating and settling in forests from other countries.

Moreover, there are many places in the country where the persons belonging to Scheduled Tribes are either not living or their proportion in the population is negligible. In such a scenario, it would not be possible to form sub-divisional level Committees as the requisite two persons belonging to Scheduled Tribes would not be available and this may result in administrative problems. Therefore, this provision should not apply to areas where the persons belonging to Scheduled Tribes do not live or where their proportion in the total population is negligible.

The Bill seeks to achieve the above Objective.

NEW DELHI;  
March 13, 2008.

ANANTKUMAR HEGDE

P. D. T. ACHARY,  
*Secretary-General.*